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JAN 28 2005

Docket No.: CUMB 8702US
Confirmation No: 2276

| | |
|---|-----------------------------|
| In re application of: Pollock, Eugene B. et al. | |
| Serial No.: 10/765,633 | Group No.: 3644 |
| Filed: January 26, 2004 | Examiner: Alimenti, Susan C |
| For: Animal Watering System With Keyed Components | |

St. Louis, Missouri
Date: January 28, 2005

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is:

☒ A(n) 2-page communication in the above-identified application in response to the Office Action filed January 11, 2005;

☒ A copy of Page 18 from the Amendment A filed November 1, 2004

☐ A Petition For Extension of Time for _____ months.

☒ No additional fee is required.

Applicant ☐ claims ☒ DOES NOT claim small entity status.

The fee has been calculated as shown:

CLAIMS AS AMENDED


| | Claims Remaining After Amendment | Highest No. Previously Paid For | Present Extra | Rate - Other Than A Small Entity | Rate - Small Entity | Additional Fee |
|---------------|----------------------------------|---------------------------------|---------------|----------------------------------|---------------------|----------------|
| Total Claims | 61 - | 61 = | 0 | \$50.00 | \$25.00 | \$0.00 |
| Indep. Claims | 6 - | 6 = | 0 | \$200.00 | \$100.00 | \$0.00 |

Total Additional Fee:

\$0.00

☐ A check in the amount of \$_____ is attached.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account 162201. *Duplicate copies of this sheet are enclosed.*


Jonathan P. Soifer, Reg. No. 34,932

I hereby certify that this correspondence is being

☒ transmitted via facsimile transmission to the Commissioner of Patents at Facsimile Number (703) 872-9306 on the date below.

_____ deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below


Jonathan P. Soifer, Reg. No. 34,932

1/28/05
Date of Signature

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|------------|---|--|--------------------------------|
| Appl. No. | : | 10/765,633 | RECEIVED CENTRAL FAX CENTER |
| Applicant | : | Pollock, Eugene B. et al. | JAN 28 2005 |
| Filed | : | January 26, 2004 | |
| Title | : | Animal Watering System With Keyed Components | |
| Art Unit | : | 3644 | |
| Examiner | : | Alimenti, Susan C | |
| Conf. No. | : | 2276 | |
| Docket No. | : | CUMB 8702US | |

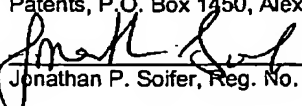
Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

Applicants have received the Communication dated January 11, 2005. In that Communication, the Examiner stated that in the Amendment A and Response To Restriction Requirement filed November 1, 2004 "Applicant failed to properly elect one of the specified species, and attempted to maintain both an apparatus and method group" and that "a single group must be positively elected in order to proceed with prosecution of the application." See Detailed Action, ¶1.

In the Amendment A and Response to Restriction Requirement filed November 1, 2004 (which is incorporated herein by reference) that Applicant amended the claims and requested that, in view of the amendments to the claims that the Examiner redraw the restriction requirement as set forth in the remarks to the Amendment. (See pages 16-17 of the Amendment A and Response To Restriction Requirement filed November 1, 2004).

| | |
|---|---|
| I hereby certify that this correspondence is being | |
| <input checked="checked" type="checkbox"/> | transmitted via facsimile transmission to the Commissioner of Patents at Facsimile Number (703) 872-9306 on the date below. |
| _____ deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below | |
|  Jonathan P. Soifer, Reg. No. 34,932 | <u>1/28/05</u> Date of Signature |

Appl. No. 10/765,633
Amdt. dated January 28, 2005
Reply to Office action of January 11, 2005

In response to the Examiner's assertion that Applicant's failed to elect one of the specified species, Applicant notes that on page 18 of the Amendment A and Response To Restriction Requirement filed November 1, 2004, Applicant stated "Lastly, if the Examiner opts not to redraw the restriction requirement, then Applicants elect to pursue Group II, Claims 21-50." A copy of page 18 from the November 1, 2004 Amendment A and Response to Restriction Requirement is attached as Exhibit A. Applicants therefore respectfully assert that the response to the restriction requirement was a full, complete, and proper response to the restriction requirement entered by the Examiner.

Applicants thus request that the Examiner withdraw the January 26, 2005 requirement for a further response to the restriction requirement. In addition, in view of the fact that a full, complete and proper response to the restriction requirement was received by the Patent Office less than one-month after the issuance of the entry of the restriction requirement, Applicants request that no delay be attributed to them in the determination of any Patent Term Adjustment based on the response to the restriction requirement.

Dated: 1/28/05

Respectfully Submitted,


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Appl. No. 10/765,633
Amdt. dated November 1, 2004
Reply to Office action of October 5, 2004

Lastly, if the Examiner opts not to redraw the restriction requirement, then
Applicants elect to pursue Group II, Claims 21-50.

Dated: 11/1/04

Respectfully Submitted,


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